

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

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| IN RE: ALLAN WADE HUNTER FDBA T&A PROPERTY PRESERVATION DEBTOR(S) | § § § § § | § CASE NUMBER: 17-80269 § CHAPTER 7 |
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**MOTION FOR RELIEF FROM STAY REGARDING NON-EXEMPT SURRENDERED
PROPERTY**

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF IT IS GRANTED, THE MOVANT MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS. IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY AT LEAST 7 DAYS BEFORE THE HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.

REPRESENTING PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

THERE WILL BE AN INITIAL HEARING ON MARCH 30, 2018 AT 9:00 AM. THE INITIAL HEARING WILL BE TELEPHONIC. PARTIES IN INTEREST MUST CONSULT JUDGE ISGUR'S PROCEDURES (AVAILABLE ON THE COURT'S WEBSITE) FOR DIALING INSTRUCTIONS.

Movant requests leave to use a variance from the Official Form in order to include certain language regarding the applicable party with the right to foreclose and alternatives to foreclose on the non-exempt surrendered Property and to attach a payment history, relevant loan documents regarding the Property, and Affidavit Support of Motion for Relief from Automatic Stay.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: Nationstar Mortgage LLC as mortgage servicer for USAA Federal Savings Bank, it's successors in interest and/or assignees.
3. Movant, directly or as agent for the holder, holds a security interest in:

LOT THIRTY-ONE(31), IN BLOCK TWO (2), OF STANDARD RE-SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254-A, PAGE 41, AND TRANSFERRED TO PLAT RECORD 8, MAP NO. 36, ALL IN THE MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS.;

MORE COMMONLY KNOWN AS 5414 BORDEN AVENUE, GALVESTON, TX 77551 (the "Property").

4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is not claimed as exempt by the debtor(s).

5. Type of collateral: Home.

6. Debtor(s) scheduled value of property: \$138,920.00 per GCAD and \$175,000.00 per Debtor's opinion in value.

7. Movant's estimated value of property: \$138,920.00 (Per Galveston County Appraisal District).

8. Total amount owed to Movant: \$148,923.03 (as of February 8, 2018).

9. Estimated equity: \$0.00.

10. Total pre and post-petition arrearages: \$15,801.16 (as of February 8, 2018).

11. Total post-petition arrearages: \$7,061.55 (as of February 8, 2018).

12. Amount of unpaid, past due property taxes, if applicable: Unknown

13. Expiration date on insurance policy, if applicable: Unknown.

14. X Movant seeks relief based on the debtor's failure to make payments. Debtor's payment history is attached as Exhibit "E". Movant represents that the attached payment history reflecting all payments, advances, charges, and credits from the beginning of this case. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.

15. _____ Movant seeks relief based on the Debtor(s) failure to provide a certificate of insurance reflecting insurance coverage as required under the Debtor(s) pre-petition contracts.

16. If applicable: Name of Co-Debtor(s): N/A.

17. Based on the foregoing, Movant seeks termination of the automatic stay and the co-debtor stay to allow movant to foreclose or repossess the Property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor's counsel (or with Debtor(s), *if pro se*) either by telephone, facsimile, e-mail or by the following person on the following date and time: On February 28, 2018 at 10: 48 AM, Grant M. Tabor left a message for the Debtor's Counsel regarding the relief sought herein. No response has been received and it is assumed that the Motion is opposed. An agreement could not been reached. If requested by Debtor(s) or Debtor's counsel, a payment history in the form attached to this motion was provided at least two business days before this motion was filed.

19. Movant moves for relief terminating the automatic stay, if any, as to the Property to pursue its statutory and contractual remedies, including the taking of any action in order to gain possession of, or foreclose upon, or conduct a short sale of, or accept a deed in lieu as to the Property.

20. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary. Movant attaches the Note as Exhibit A, the Deed of Trust as Exhibit B, the Assignment as Exhibit C, and the Affidavit in Support of the Motion for Relief from Automatic Stay as Exhibit D.

Date: March 2, 2018



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COUNSEL FOR NATIONSTAR MORTGAGE LLC

AS MORTGAGE SERVICER FOR USAA FEDERAL
SAVINGS BANK

CERTIFICATE OF SERVICE AND CERTIFICATE OF COMPLIANCE WITH BLR 4001

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on March 2, 2018 by electronic mail where available, otherwise by prepaid, United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.



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EXHIBIT "1"

DEBTOR(S)

Allan Wade Hunter fdba T&A Property Preservation
5414 Borden Avenue
Galveston, TX 77551

CO-DEBTOR:

Tamatha Jerelyn Hunter
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Galveston, TX 77551

DEBTOR'S ATTORNEY

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BANKRUPTCY TRUSTEE

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US Trustee
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PARTIES REQUESTING NOTICE AND
PARTIES IN INTEREST:

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